

2008 special November

2008

TOWN OF SHARON



SPECIAL TOWN MEETING WARRANT

with Report and Recommendations of the Finance Committee

**SPECIAL TOWN MEETING
MONDAY, NOVEMBER 17, 2008
7:00 P.M.**

**Meeting at Sharon High School
Arthur E. Collins - Auditorium
Sharon High School, Pond Street**

PLEASE BRING THIS REPORT TO THE MEETING

OPEN WARRANT MEETING

Monday, November 10, 2008

8:00 P.M.

**Sharon High School Library (2nd floor)
181 Pond Street**

Sharon, Massachusetts

INFORMAL DISCUSSION OF SPECIAL ARTICLES

*Registered voters of Sharon planning to attend this meeting
needing an ASL (American Sign Language) interpreter are
urged to call the Selectmen's Office at 781-784-1515 ext. 208*

**YOU MUST BE A REGISTERED VOTER TO
ATTEND THIS MEETING**

REF
352.14
TOW
2008 5



OPEN WARRANT MEETING

Monday, November 10, 2008

8:00 P.M.

**Sharon High School Library (2nd floor)
181 Pond Street**

INFORMAL DISCUSSION OF SPECIAL ARTICLES

WARRANT INTRODUCTION

It is the responsibility of the Finance Committee to make recommendations to the voters of Sharon on all matters that come before Town Meeting. In May at Annual Town Meeting voters adopt a budget for the next fiscal year. In the fall a Special Town Meeting is convened to consider other issues such as zoning by-laws and amendments. As well, other timely matters are brought before the voters to debate and vote.

On November 17th, Town Meeting will convene to decide a variety of issues. Of the eighteen articles included in this warrant, five deal with zoning by-laws and five deal with appropriations. The remaining eight ask voters to consider modifications to existing regulations.

As is the case more often than we would like, detailed information for some of the articles to be considered has become available late in the process. This is the case with Article 1. Article 1 asks voters to consider a material change to the Brickstone Development Agreement between the Town and the developers of Sharon Hills. (See recommendation under Article 1.) As this warrant goes to print, additional public meetings are scheduled to discuss this change.

Article 2 would allow the Selectmen to grant up to five licenses for the sale of beer and wine at food stores specifically for off-premises consumption only. To be eligible for a license, the food store must be located in one of three designated areas in Sharon: Sharon Commons (the new Lifestyle Center adjacent to Interstate 95 on the Foxboro-Sharon line), Shaw's Supermarket at 700 South Main Street, and the Light Industrial District (Route 1).

Five zoning articles seek to create two new overlay districts in Sharon. Articles 4 and 5 would create 40R overlay districts for Sharon Commons and change the way this property could be developed to take advantage of state fiscal incentives under 40R. Articles 6, 7, and 8 would allow creation of a new overlay district called "100 High Plain Overlay District." If the rezoning from Rural District-1 (residential) to Commercial is approved, it will be possible to build a commercial office building on Johnson Drive, off High Plain Street, in the neighborhood near the entrance to Wal-Mart on the Sharon-Walpole line.

Five articles request appropriations. These include additional funding for Middle School renovation plans, funds for rehabilitation of facilities at the Horizons for Youth property, operating funds for the Charter Commission, and funding from stabilization funds for sidewalk and water line improvements.

The remaining six articles deal with an assortment of topics, including changes to Town fees, easements, technical amendments to dog regulations, clarification of the Town's sign by-laws, and expansion of eligibility requirements to defer payment of property taxes by Sharon seniors.

While the Finance Committee was able to make recommendations on most of the articles presented in this warrant, for others the recommendation will be made subsequent to the printing of this document, at or prior to Town Meeting. In addition, the Planning Board will hold public hearings on October 29th. Finance Committee tradition is to refrain from making its

recommendations on zoning articles until the Planning Board has voted. A final opportunity for Sharon voters to ask questions or give opinions prior to Town Meeting is afforded at the Open Warrant Meeting on November 10th.

We urge all voters to become educated about the issues and attend the Fall Town Meeting on November 17th.

THE FINANCE COMMITTEE

Ira Miller, Chair; Joel Lessard and Jonathan Hitter, Vice-Chairs; Maria Anderson, Clerk;
Brian Fitzgerald, Donald Gilligan, Gordon Gladstone, Charles Goodman, Josh Kiernan,
Laura Nelson, Edward Philips

**1SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To either Constable of the Town of Sharon, Greeting:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sharon qualified to vote in elections and Town affairs to meet at the Arthur E. Collins Auditorium at the Sharon High School on Pond Street in said Sharon on Monday, the 17th of November 2008, at 7:00 P.M., and there to act on the following articles:

ARTICLE 1

To see if the Town will vote to authorize the Board of Selectmen to amend paragraph 8.2 of the Development Agreement, entered in May, 2007, between Brickstone Sharon, LLC (the "Developer") and the Town of Sharon, to permit the Developer to use Mountain Street, in addition to Bay Road, for construction access to/from the Project; or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

In May 2007, Town Meeting approved a Senior Living Overlay District allowing the development known as Sharon Hills. In November 2007, voters were presented with three articles to undo those zoning changes. After consideration by Town Meeting, the Senior Living Overlay District and Development Agreement remained. Over the past year, the developers and Selectmen have negotiated various items in the agreement such as acceleration of mitigation payments to the Town. These changes were deemed to be non-material and Town Counsel has advised that they do not require approval of Town Meeting. The only proposed change voters will be asked to consider is the use of Mountain Street for the period of time (18 months) necessary to build the Bay Road entrance access road to the development. Previously, the Mountain Street entrance had been designated for emergency access only.

As this warrant goes to print, neither the Finance Committee nor the Selectmen nor residents have had sufficient time to receive significant information to discuss the full impact of the use of

Mountain Street instead of Bay Road. The Finance Committee is extremely disappointed that we are once again in the position of being unable to make a recommendation at this time due to incomplete and inadequate information.

The Finance Committee will present its recommendation at Town Meeting.

ARTICLE 2

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for a special act as set forth below; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto.

AN ACT RELATIVE TO THE TOWN OF SHARON TO GRANT A LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES AT A FOOD STORE, NOT TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding Section 17 of Chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the Town of Sharon may grant a license for the sale of wine and malt beverages at not more than five (5) food stores, not to be drunk on the premises, under Section 15 of said Chapter 138. Except as otherwise provided herein, such license shall be subject to all of said Chapter 138 except said Section 17. For the purposes of this act, a "food store" shall mean a grocery store or supermarket with a gross floor area of more than 1,000 square feet which sells at retail, food for consumption on or off the premises either alone or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal family or household use. Food store

shall also mean a high-end food store or other specialty stores that may sell imported, organic, ethnic, or prepared foods for personal family or household use. Notwithstanding the foregoing, a food store shall specifically exclude a convenience store or a store that also sells gasoline; provided, however, that the board of selectmen shall determine whether an applicant is a food store under this act. In making the determination, the board of selectmen shall consider such factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of the license under this act may sell wine and/or malt beverages in combination with any other items offered for sale. The licensed premises must be located in the Business D District or the Light Industrial District, provided that use such as a grocery store or food store is allowed by right or by special permit in either such zoning district, and the licensed premises may also be located upon land in the Town of Sharon identified by Assessors parcel Map 37 Lot 5 (Shaw's Supermarket, 700 South Main Street, Sharon, MA). The amount of any initial or renewal fee for such license shall be determined by the licensing authority issuing or renewing that license. Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location, but the license may be granted to a new operator at the same location if an applicant has followed any and all rules prescribed by the board of selectmen as the licensing authority related to the application and procedures for approval of such a transfer including filing a complete application for the transfer of the license to the new operator at the same location, and filing a letter in writing from the department of revenue evidencing that the license is in good standing with said department and that any and all applicable taxes have been paid. If a license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority of the Town of Sharon, which may grant the license to a new operator at the same location and under the same conditions as specified in this section.

SECTION 2. This act shall take effect upon its passage.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

The intent of this article is to loosen the restrictions in the Town's regulations regarding the sale of wine and malt beverages by food stores for the purposes of off-premises consumption. If adopted, up to five licenses would be allowed in Business D District and the Light Industrial District, provided that the grocery or food store is allowed by right or by special permit in either zoning district. In addition, application for a license would be permissible at the location of the Shaw's Supermarket at 700 South Main Street. The Finance Committee voted for indefinite postponement of this article. The majority of the Finance Committee felt that acceptance of this article would not benefit the Town in any material way. A minority of members felt passage of this article would have a positive impact on the success of Sharon Commons.

The Finance Committee vote was 6-3-0 in favor of indefinite postponement.

ARTICLE 3

To see if the Town will vote to raise and appropriate a sum of money for hiring an Owner Project Manager, updating the feasibility plan, and the Middle School Plan for the Sharon Middle School, 75 Mountain Street, said sum to be expended under the direction of the Standing Building Committee, and to meet said appropriation authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum under M.G.L. Chapter 44, or any other enabling authority, provided that the Town acknowledges that the Massachusetts School Building Authority's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and further provided that the amount of borrowing authorized pursuant to this motion shall be reduced by any amounts received or expected to be received from the MSBA; or to take any other action related thereto.

SCHOOL COMMITTEE

FINANCE COMMITTEE RECOMMENDATION:

In May 2008, Town Meeting appropriated \$410,000 to the School Committee for the purpose of updating previously prepared (in 2002) renovation plans, creating a feasibility study and hiring an Owner's Project Manager required (by Mass. State Building Authority) for renovation of the Sharon Middle School. The exact cost of those processes is not yet clear. To date only some minor administrative and legal costs have been paid or committed out of that \$410,000 appropriation. This article has been placed on the warrant to enable the School Committee to request additional funds if it becomes clear prior to this Town Meeting that such additional funds will be necessary.

The Finance Committee will present its recommendation at Town Meeting.

ARTICLE 4

To see if the Town will vote to amend the Sharon Zoning By-Law by making the following changes thereto: 2

Item 1. Amend the map entitled "The Town of Sharon, Massachusetts - Zoning Map," dated May 10, 2001, as amended, prepared by and bearing the signatures of the Board of Appeals, to add the Sharon Commons Smart Growth Overlay District, Subzones A and B, containing 10.19 acres of land and superimposed over the underlying zoning district, all as shown on the map entitled "Sharon Commons Smart Growth Overlay District: Smart Growth Zoning Map," dated September 23, 2008, and attached hereto as Exhibit A.

Item 2. In Article II, entitled "District Regulations," at the end of Section 2110, entitled "Districts," add the following new entry:

Sharon Commons Smart Growth Overlay District (SCSGOD)

Item 2. Add the following new Section:

4900. SHARON COMMONS SMART GROWTH OVERLAY DISTRICT (SCSGOD)

4901. Purpose

It is the purpose of this Section to establish a Sharon Commons Smart Growth Overlay District and to encourage smart growth in accordance with the purposes of G. L. Chapter 40R, and to foster a range of housing opportunities along with a commercial component, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
2. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs;
4. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
6. Establish development standards to allow context-sensitive design and creative site planning;
7. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the Sharon Commons Smart Growth Overlay District.

4902. Definitions

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section 4902. To the extent that there is any conflict between the definitions set forth in this Section and the Enabling Laws, the terms of the Enabling Laws shall govern.

Affordable Homeownership Unit: An Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing: Housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction: A deed restriction of Affordable Housing meeting statutory requirements in G.L. c. 184, Section 31 and the requirements of Section 4904(5).

Affordable Rental Unit: An Affordable Housing unit required to be rented to an Eligible Household.

As-of-right Project or Project: means a Multifamily Use development allowed under Section 4905 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

Assisted Living Facility: A facility licensed by the Executive Office of Elder Affairs pursuant to G.L. c. 19D and all of applicable requirements. This definition shall not include any other forms of group living quarters such as group foster care group homes, single room occupancy residences, rooming or lodging houses, and other facilities as listed in Commonwealth of Massachusetts Regulations (651 CMR 12.01).

Design Standards: See Section 4912.

Development Project: A residential development undertaken under Section 4910. A Development Project shall be identified on the Site Plan which is submitted to the Plan Approval Authority for site plan review.

DHCD: The Department of Housing and Community Development of the Commonwealth of Massachusetts or any successor agency.

Eligible Household: An individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws: G.L. Chapter 40R and 760 CMR 59.00.

Multifamily Use: Dwelling containing four (4) or more dwelling units.

Plan Approval: Standards and criteria which a Project in the SCSGOD must meet under the procedures established herein and in the Enabling Laws.

Plan Approval Authority: For purposes of reviewing Project applications and issuing decisions on development Projects within the SCSGOD, the Plan Approval Authority (PAA), consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Zoning Board of Appeals. The PAA is authorized to approve a site plan to implement a Project.

Recreational Uses: Active recreational uses, including but not limited to ball fields; and passive recreational uses, including but not limited to walking and bicycle paths. Amusements or motorized uses shall not be considered eligible recreational uses.

Site Plan: A plan depicting a proposed Development Project for all or a portion of the Sharon Commons Smart Growth Overlay District and which is submitted to the Plan Approval Authority for its review and approval in accordance with provisions of this Bylaw.

Substantially Developed Land: Land within the SCSGOD that is currently used for commercial, industrial, institutional or governmental use, or for residential use consistent with or exceeding the densities allowable under the underlying zoning.

Zoning Bylaw: The Zoning Bylaw of the Town.

4903. Overlay District

1. Establishment. The Sharon Commons Smart Growth Overlay District, hereinafter referred to as the SCSGOD, is an overlay district having a land area of approximately 10.19 acres, being portions of Assessor's Map 47, Lot 37 and Assessor's Map 57, Lots 17, 18 and 21, that is superimposed over the underlying zoning district, as shown on the Zoning Map as set forth on the map entitled "Attachment 1-1: Locator Map," but only including Subzones A and B, and on the two (2) maps entitled "Attachment 5-4: Smart Growth Zoning Map," all maps being dated September 23, 2008 and attached hereto as Appendix A. These maps are hereby made a part of the Zoning Bylaw and are on file in the Office of the Town Clerk.

2. Underlying Zoning. The SCSGOD is an overlay district

superimposed on all underlying zoning districts. Except as limited herein, the underlying zoning shall remain in full force and effect.

3. Applicability of SCSGOD. In accordance with the provisions of G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the SSSGOD may seek Plan Approval in accordance with the requirements of this Section 4900. In such case, then notwithstanding anything to the contrary in this Zoning By-law, such Plan Approval shall not be subject to any other provisions of this Zoning By-law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations, including but not limited to any rate of development limitations provided in the Zoning By-law. When a building permit is issued for any Project approved in accordance with this Section 4900, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 4910 for such Project.

4904. Housing and Affordability

1. Marketing Plan. Prior to granting Plan Approval for housing within the SCSGOD, an Applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to Section 4910, below, shall include details about construction related to the provision, within the Project, of units that are accessible to the disabled. The marketing plan must be approved by DHCD prior to the issuance of a building permit for a Development Project.

2. Number of Affordable Housing Units. For all Projects, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing. For all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing; provided, however, that 20% of such units may be affordable where restricted to households earning less than 50%

of area median income. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit.

3. Requirements. Affordable Housing shall comply with the following requirements:

a. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.

b. For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

c. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

d. The SCSGOD shall not include the imposition of restrictions on age upon the entire District, but the development of specific Projects within the SCSGOD may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than 25% of the housing units in such a restricted Project shall be restricted as Affordable Housing.

e. At least 10% of the Affordable Housing Units shall be handicapped-accessible.

4. Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the development of which they are part and be comparable in initial construction, quality and exterior design to other housing units in the development. The total number of bedrooms in the Affordable Housing shall be

proportionate to the total number of bedrooms in all the units in the Development Project of which the Affordable Housing is part.

5. Affordable Housing Restriction. Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and prior to such recording has been approved by DHCD. Such Affordable Housing Restriction shall contain the following:

a. Specification of the term of the affordable housing restriction which shall be the maximum period allowed by law but not less than ninety nine years;

b. The name and address of a Monitoring Agent with a designation of its power to monitor and enforce the affordable housing restriction;

c. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.

d. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for preferences in resident selection. for the Affordable Housing Units; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

e. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and

selection plan;

f. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;

g. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lender;

h. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the Monitoring Agent;

i. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;

j. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;

k. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

l. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to Monitoring Agent, in a form specified by that Agent certifying compliance with the affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;

m. A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.\

6. Monitoring Agent. A Monitoring Agent which may be the Local

Housing Authority, or other qualified housing entity shall be designated by the PAA as the Monitoring Agent for all Projects in the SCSGOD. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SCSGOD, and on a continuing basis thereafter, as the case may be:

- a. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- b. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
- c. The housing marketing and resident selection plan conforms to all requirements and is properly administered;
- d. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- e. Affordable Housing Restrictions meeting the requirements of this Section are recorded with the proper registry of deeds.

7. Housing Marketing and Selection Plan. The housing marketing and selection plan shall make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements, as set forth in Section 4904(3).

8. Phasing. The PAA, as a condition of any Plan Approval, may require a Project to be phased in order to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the PAA shall assure the required number of Affordable Housing Units in the Project, as per Section 4904(2). Such assurance may be

provided through use of the security devices referenced in G.L. c. 41, § 81U, or through the PAA's withholding of certificates of occupancy until proportionality has been achieved. No Density Bonus Payment will be received by the Town until such proportionality has been achieved by the issuance of occupancy permits for the Affordable Housing Units in the Project.

9. Computation. Prior to the granting of any Plan Approval of a Project, the applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

10. No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 4904 shall not be waived.

4905. Permitted and Prohibited Uses

The following uses shall be permitted as-of-right in the SCSGOD:

a. Dwelling units in multifamily and duplex structures.

b. Wastewater generation exceeding six (6) gallons per day per one-thousand (1,000) sq. ft. of lot area and on-site wastewater treatment plants treating domestic wastewater pursuant to issuance of a Groundwater Discharge Permit by the Massachusetts Department of Environmental Protection. Wastewater treatment plan effluent shall comply with the DEP "Interim Guidelines on Reclaimed Water (Revised)," Policy No. BRP/DWM/PeP-P00-3, dated January 3, 2000.

4906. Density

In all Subzones, multifamily use shall be at a density of 20 dwelling units per acre of developable land.

4907. Dimensional Regulations

No building or structure shall be built nor shall any existing building or structure be enlarged except in conformance with the following Table of Dimensional Requirements. Land in Single Residence Districts and contiguous to any Subzone may be used to satisfy the dimensional requirements set forth herein.

Table of Dimensional Requirements

Subzone	Lot Area Minimum	Maximum Building Height	Required Frontage	Lot Width Minimum	Lot Coverage	Setbacks		
						Front	Side	Rear
A	60,000 square feet	4 stories [†] or 60 feet	40 feet	60 feet	20% building footprint; 50% total	75 [‡]	10	10
B		2.5 stories or 40 feet	80 feet	120 feet		5	10	10
C		4 stories [†] or 60 feet	80 feet	120 feet		25	2	10

[†] Not including below-grade parking facilities.

[‡] Accessory structures need only satisfy a 50-foot front setback.

4908. Traffic and Pedestrian Safety

1. Driveways. Curb cuts provide for safe entering and exiting. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.

2. Interior Design. The proposed development shall assure safe interior circulation within its site by separating pedestrian, bike ways, and vehicular traffic.

3. Transportation Plan. The proposed development shall be subject to an approved Transportation Plan. The Transportation Plan shall consist of the following information:

a. A plan showing the proposed parking, loading, traffic and pedestrian circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

b. A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. The required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The PAA shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

c. Proposed mitigation measures, if any, such as left-turn

lanes, roadway widening, signage, signalization of intersections.

4909. Off-Street Parking and Loading Regulations

1. Off-Street Parking and Loading Requirements. Any structure that is constructed, enlarged, or extended, or has a change of use which affects the computation of parking spaces, and any use of land established, or any existing use is changed, parking and loading spaces shall be provided in accordance with the Table of Off-Street Parking Regulations and the Table of Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use.

2. Existing Spaces. Parking or loading spaces being maintained in connection with any existing use shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Section provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.

3. Computation of Spaces. When the computation of required parking or loading spaces results in the requirement of fractional space, any fraction over one-half shall require one space.

4. Combined Facilities. Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, where it is evidence that such facilities will continue to be available for the several buildings or uses.

Table of Off-Street Parking Regulations

<u>Uses</u>	<u>Minimum Number of Parking Spaces per Unit</u>
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Multifamily Dwellings	(to be determined at Town Meeting)
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5. Shared Parking. Shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different

peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately. Shared parking is a strategy that can significantly reduce that amount of land devoted to parking while providing a number of spaces and encouraging compact land development.

For multiple uses, the number of parking spaces required shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other accepted procedures approved by the Plan Approval Authority.

6. Waiver of Parking Requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking or loading may be reduced upon a demonstration to the reasonable satisfaction of the PAA that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a. The availability of surplus off-street parking or loading in the vicinity of the use being served and/or the proximity of a bus station or major transportation route;
- b. The availability of public or commercial parking facilities in the vicinity of the use being served;
- c. Shared use of off-street parking spaces serving other uses having peak user demands at different times;
- d. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f. Such other factors as may be considered by the PAA.

4910. Application for Plan Approval

1. Pre-Application. Prior to the submittal of a site plan, a "Concept Plan" may be submitted to help guide the development of the definitive site plan for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

- a. Overall building envelope areas;
- b. Areas which shall remain undeveloped;
- c. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and Guidelines and the other requirements of the SCSGOD.

2. Application. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA. An application shall show the proposed buildout of the entire Project, whether the Project will be phased or not.

3. Required Submittals. The application for Plan Approval shall be accompanied by the following plans and documents:

a. Site plan, drawn at a scale of one (1) inch equals twenty (20) feet or one (1) inch equals forty (40) feet, with a layout tied to the Massachusetts State Coordinate System and with elevations on North American Vertical Datum (NAVD 88). Site plans shall be prepared by an interdisciplinary team, including a Massachusetts Civil Professional Engineer and a Massachusetts Registered Landscape Architect, shall bear their signatures and seals. Building plans shall be prepared by a Massachusetts Registered Architect, and shall bear the architect's seal. Site plans shall include:

i. Cover sheet, layout sheet, grading and drainage sheet, utilities sheet, wastewater collection and treatment system sheet, traffic control sheet, landscaping sheet, lighting sheet, photometric sheet, construction details sheet, construction phasing sheet and sedimentation and erosion control sheet.

ii. Existing conditions sheet based on an on-the-ground survey and on fieldwork performed no more than

three (3) years prior to submission, showing all existing topographic, utility and property information.

iii. Layout sheet showing, among other things, all existing and proposed buildings and structures and their uses, means of building egress, parking areas, access drives, loading areas, refuse and other waste disposal facilities and dumpsters, driveway openings, driveways, service areas and all other open space areas, zoning summary table, accessible parking spaces and accessible routes.

iv. Grading sheet showing existing and proposed grading using two (2) foot contours and spot grades, as required to show improvements.

v. Wastewater sheets showing all components of the sanitary sewer collection, pumping and treatment systems.

vi. Utilities sheets showing all components of the stormwater management system, water distribution system, site lighting system, lighting photometric plan and cable utility systems.

vii. Landscape sheets showing all hardscape and planting elements. Site lighting fixture locations shall be shown for coordination purposes. The drawings shall show the quantity, location, species and height or caliper of all trees and shrubs and the species, size and quantity of all groundcovers. Construction details shall be provided for all structures and hardscape elements and planting details shall be provided for coniferous and deciduous trees and shrubs of each size.

b. Drainage calculations and a narrative report detailing runoff under existing pre-developed conditions and under future post-development conditions and identifying changes in the peak rate and total volume of stormwater runoff for the two (2), ten (10) and 100 year frequency storm events. The drainage calculations shall bear the signature and seal of the engineer of record.

c. Schematic architectural plans and elevations for all

structures.

d. A complete sign package, including all advertising and way-finding signage.

e. Traffic study conforming to the EOEa/EOTC Guidelines EIR/EIS Traffic Impact Assessment (1989). The Traffic Study Area (TSA) shall encompass all intersections within 3,000 feet of the project boundary accommodating 10 percent (10%) or more of the traffic generated by the project. Alternatively, the proponent may elect to allow the PAA to establish the limits of the TSA. Traffic shall be evaluated for the Existing Case, the No-Build Plus 5 Year Case and the Build Plus 5 Year Case. Existing traffic count data taken within the three (3) year period prior to filing and traffic studies completed within said three (3) year period may be utilized to satisfy this requirement.

f. Plans for roadway and intersection upgrades for all roadway segments and intersections within the Traffic Study Area, sufficient to provide level-of-service D or better under the Build Plus 5 Year Case for the AM peak hour and the PM peak hour

g. In addition, the Plan Approval Authority will establish a "Scope" detailing the design, fiscal, environmental and community issues to be evaluated based upon the likely impacts of the proposed project.

4911. Procedures

1. Filing. An applicant for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file forthwith 15 copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk.

2. Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Planning Board, Board of Health, Housing Partnership, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

3. Hearing. The PAA shall hold a public hearing for which notice

has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

4. Peer Review. In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. c. 40R, s. 11. This technical review fee shall be paid at the time of the application. The initial deposit shall be \$10,000 and shall be subject to replenishment as needed. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant.

4912. Design Standards

1. Design Standards. In order to preserve and augment the SCSGOD's architectural qualities, historic character and pedestrian scale, the "Smart Growth Overlay District Design Standards," are incorporated herein as an appendix hereto, and are applicable to all Projects within the SCSGOD. Said design standards address: architectural elements; the scale and proportion of buildings; the alignment, width, grade, and surfacing materials of streets and sidewalks; the type and location of infrastructure; site design; off-street parking; landscaping design and species selection; exterior and window signs; and buffering in relation to adjacent properties. Said design standards are intended to be applied flexibly by the PAA as part of the Plan Approval process. All applications for Plan Approval shall comply, except where a specific waiver is granted, to said design standards.

2. Amendments. The PAA may adopt, by majority vote, amendments to the Design Standards. Any amendment to the Design Standards must be objective and not subjective and may only address the

scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, require any amendment to the Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

3. DHCD Approval. Before adopting any Design Standard, the PAA shall submit the proposed Design Standard to DHCD for approval. Any amendment to the Design Standards shall not take effect until approved by DHCD and filed with the Town Clerk. In submitting a proposed Design Standard for DHCD approval, the PAA shall also submit sufficient documentation clearly showing that the proposed Design Standard will not add unreasonable costs to Development Projects or unreasonably impair the economic feasibility of a Development Project. A letter from a developer, property owner or other interested party indicating that the Design Standards will not add unreasonable costs or unreasonably impair the economic feasibility of a Development Project shall not constitute sufficient documentation.

4. Plan Approval. An application for Plan Approval that has been submitted to the Town Clerk pursuant to Section 4910 shall not be subject to any Design Standard that has not been approved by DHCD and filed with the Town Clerk.

4913. Decision

1. Waivers. Except where expressly prohibited herein, upon the request of the Applicant the Plan Approval Authority may waive dimensional and other requirements of this Section 4900, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SCSGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.

2. Plan Review. An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review shall be construed as an as-of-right review and approval process as required by and in

accordance with the Enabling Laws.

3. Plan Approval. Plan Approval shall be granted by a simple majority where the PAA finds that:

- a. The applicant has submitted the required fees and information as set forth herein; and
- b. The Project and site plan meet the requirements and standards set forth in this Section 4900, or a waiver has been granted therefrom; and
- c. Extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated by means of suitable conditions.

4. Plan Disapproval. A site plan may be disapproved only where the PAA finds that:

- a. The applicant has not submitted the required fees and information as set forth herein; or
- b. The Project and site plan do not meet the requirements and standards set forth in this Section 4900, or a waiver has not been granted therefrom; or
- c. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

5. Form of Decision. All decisions of the PAA shall be by a majority vote of the members present and voting. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision shall be provided to the Building Commissioner. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of

the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

4914. Change in Plans after Approval by PAA

1. Minor Change. After Plan Approval, an applicant may be apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk. A copy of the decision shall be provided to the Building Commissioner.

2. Major Change. Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

4915. Enforcement; Appeal

The provisions of the SCSGOD shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding an application for Plan Approval for a Project shall be governed by the applicable provisions of G. L. c. 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. c. 40A.

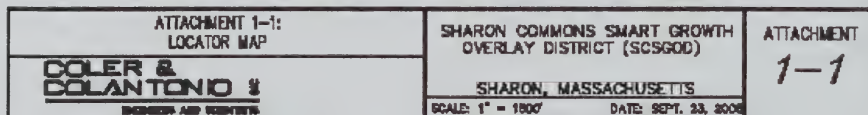
4916. Severability

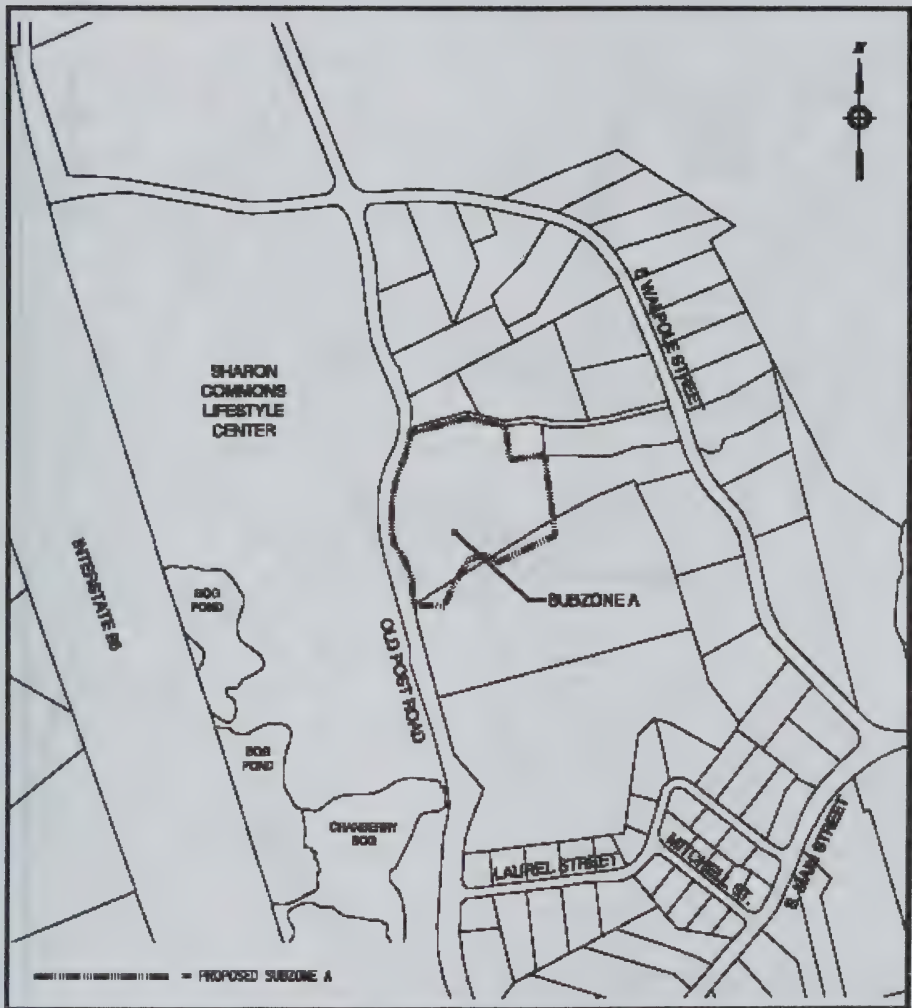
If any provision of this Section 4900 is found to be invalid by a court of competent jurisdiction, the remainder of Section 4900 shall remain in full force. The invalidity of any provision of this Section 4900 shall not affect the validity of the remainder of the Town's Zoning By-Law.

Or to take any other action relative thereto.

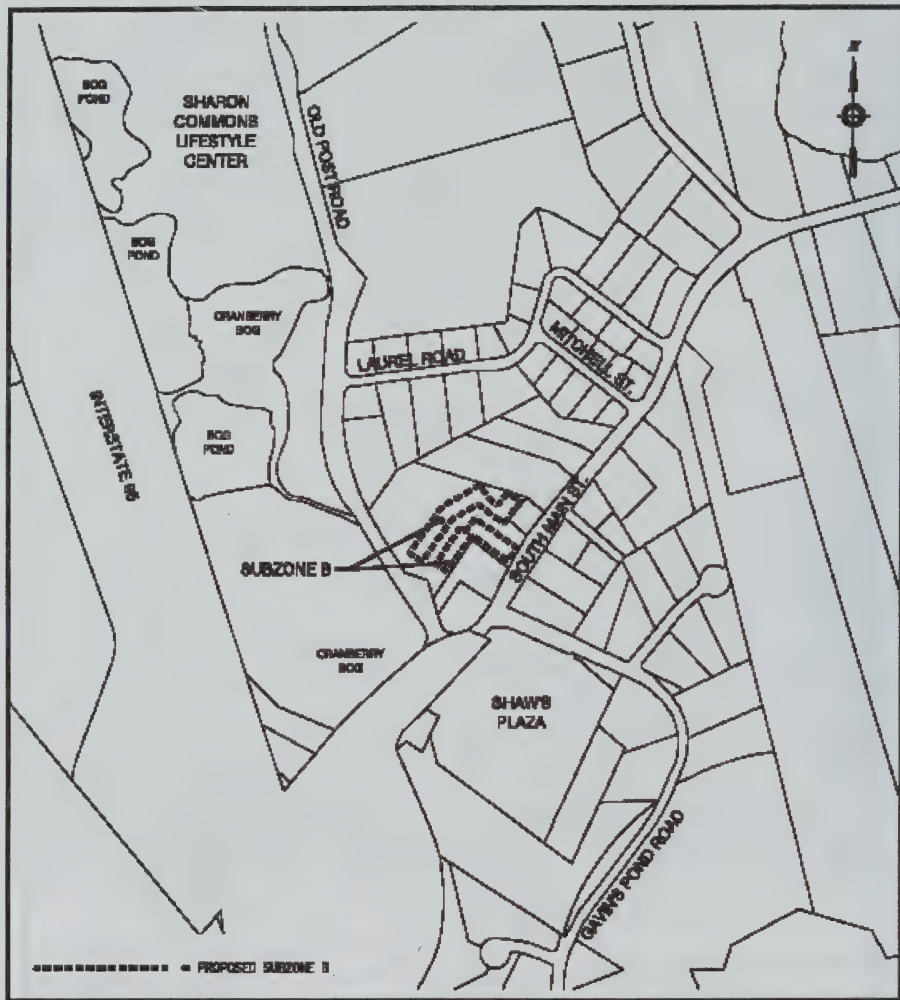
BOARD OF SELECTMEN

APPENDIX A
(please see maps on pages 28 - 30)





<p>ATTACHMENT 5-4: SMART GROWTH ZONING MAP</p>	<p>SHARON COMMONS SMART GROWTH OVERLAY DISTRICT (SCSGOD)</p>	<p>ATTACHMENT</p>
<p>COLER & COLANTONIO & ENGINEERS AND ARCHITECTS</p>	<p>SHARON, MASSACHUSETTS</p> <p>SCALE: 1" = 900'</p>	<p>5-4</p> <p>DATE: SEPT. 23, 2008</p>



<p>ATTACHMENT 5-4: SMART GROWTH ZONING MAP</p> <p>COLER & COLANTONIO</p> <p>ENGINEERS AND ARCHITECTS</p>	<p>SHARON COMMONS SMART GROWTH OVERLAY DISTRICT (SCSGOD)</p> <p>SHARON, MASSACHUSETTS</p> <p>SCALE: 1" = 800'</p>	<p>ATTACHMENT 5-4</p> <p>DATE: SEPT. 23, 2008</p>
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APPENDIX B
SHARON COMMONS SMART GROWTH OVERLAY DISTRICT
DESIGN STANDARDS OF THE PLAN APPROVAL AUTHORITY

The following Design Standards seek to clarify the permitting process by defining expectations of the Plan Approval Authority with respect to site planning; height, bulk and scale compatibility; architectural elements and materials; architectural concept and consistency; human scale; exterior finish materials; project environment; landscaping; signage; surfacing, drainage and curbing; and traffic and pedestrian safety. The General Design Standards are applicable in all Subzones and shall supersede all other standards provided elsewhere in the Zoning By-Law, other than those contained in Section 4900 for the "Sharon Smart Growth Overlay District." The following Design Standards may be waived, in whole or in part, by majority vote of the Plan Approval Authority, as per Section 4913(1) of the Zoning By-Law.

PART ONE
GENERAL DESIGN STANDARDS

The following design standards apply to all lots in the Smart Growth Overlay District.

I. SITE PLANNING

- A. **Site Design.** To the extent practicable, land shall be preserved in its natural state by minimizing tree and topsoil removal and restricting the limits of work to the smallest practicable area. All sites shall be designed with a well-integrated system of natural and landscaped open spaces that encourage and enhance pedestrian activity. All pedestrian entrances shall be enhanced by a landscaped area consisting of some combination of trees, grass, shrubs and flowers as may be appropriate for the space. A continuous pedestrian pathway shall link all common pedestrian entrances with each other and to adjacent street at a location that facilitates access to retail and community facilities. Open spaces shall include features such as benches, tables, hardscape elements, or other site amenities designed to stimulate interest and increase pedestrian use.
- B. **Public Ways.** Streets providing frontage for lots in the Smart Growth Overlay District shall meet requirements of the Planning Board's Rules & Regulations for the applicable class

of street. Streets not providing proper pavement, walkways, or utilities shall be upgraded prior to building permit issuance or shall be upgraded prior to certificate of occupancy issuance with completion secured by a proper surety provided in accordance with Planning Board practice for subdivision streets.

C. **Access Drives.** Two-way access drives shall be a minimum width of 24 feet. The slope of the centerline of access drives shall be a minimum slope of 1½ percent, a maximum of 6 percent where parking is allowed, and a maximum slope of 12 percent where parking is not allowed. The minimum centerline radius of the two-way access drive shall be 75 feet.

D. **Curb Cuts.** Curb cuts serving more than 10 dwelling units shall be located only at locations where the centerline grade of the existing street is 6 percent or less and where stopping sight distance (SSD) and intersection sight distance (ISD) are provided for the 85th percentile travel speed. Minimum sight distance triangles shall be kept clear of obstructions and a leveling area shall be provided on the driveway having a maximum 3 percent slope and a minimum length of 50 feet. A maximum of one curb cut shall be constructed for every 100 feet of frontage. Driveways shall be separated from driveways on the same lot or on contiguous Smart Growth Overlay District lots by a minimum of 75.

E. Off-Street Parking.

a) Parking shall be provided on the same lot as the proposed use or on contiguous lots provided that access and parking easements are provided. The required number of parking spaces shall comply with Smart Growth Overlay District requirements. Parking spaces may be provided within structures, within exterior parking lots, and in a parallel configuration along the sides of principal access drives as set forth in Part Two, Part 3 and Part Four hereof.

b) Parking spaces shall be setback a minimum of 5 feet from streets or ways and 5 feet from property lines of lots located outside the Smart Growth Overlay District. Parking shall be provided within 400 feet of the pedestrian entrance of buildings.

c) Exterior parking spaces shall be a minimum of 9

feet by 20 feet except that parallel parking spaces shall be a minimum of 9 feet by 25 feet.

- d) Exterior parking aisles accommodating two-way traffic flow shall have a minimum width of 24 feet. Parking aisles within parking facilities for one-way traffic flow and shall have minimum widths as follows: 12 feet wide for 30 degree parking, 12 feet wide for 45 degree parking, 15 feet wide for 60 degree parking, and 20 feet for 90 degree parking. The minimum width of principal access drives accommodating parallel parking shall comply with Section II.C.

- e) On-site parking shall be governed by a Parking Management Plan (PMP) in instances where less than 2.0 resident parking spaces per dwelling unit plus one visitor space per 20 resident parking spaces are provided for townhouses and where less than 1.8 resident parking spaces per dwelling unit plus one visitor space per 20 resident parking spaces are provided for apartments and condominiums. The Parking Management Plan shall limit the number of vehicles which may be garaged on site and shall provide enforcement mechanisms acceptable to the Plan Approval Authority.

F. Loading Facilities. Loading facilities shall be provided on the same lot as the proposed use. One loading space shall be provided for buildings containing one hundred (100) or more dwelling units. Loading spaces shall be a minimum of 12 feet by 40 feet and shall be located within 10 feet of a building entrance. The geometry of the loading spaces and contiguous drives shall allow access by an AASHTO SU design vehicle without excessive maneuvering.

G. Walkways. Walkways shall be provided connecting the front door of townhouse units and all common exterior doors except emergency doors of buildings containing more than twenty (20) dwelling units. Walkways shall extend from each building to each multivehicle parking areas, to on-site community or recreational facilities, and to adjacent streets. Walkways shall extend along the frontage of all lots unless there is an existing sidewalk on either side of the street. On-site walkways shall have a minimum width of 6 feet except walkways shall have a minimum width of 4 feet where said walkway serves a single residential dwelling unit. Off-site walkways along lot frontages shall conform to the Planning Board Rules

& Regulations. All walkway segments shall comply with requirements for an accessible route as set forth in Architectural Access Board regulations. All walkway segments shall be protected from adjacent vehicular traffic by vertical curbing having a minimum 6 inch reveal.

- H. **Surfacing.** All access drives, parking facilities, and loading facilities shall be surfaced with a hard, durable, surface consisting of bituminous concrete pavement, Portland cement concrete pavement, or pavers with a 12 inch gravel base. Bituminous concrete pavement within access drives, aisles, and loading facilities shall have a minimum thickness of 4½ inches and within parking spaces shall have a minimum thickness of 3½ inches. Pavement and base materials shall comply with requirements of the Planning Board's Rules & Regulations. All walkways shall be surfaced with bituminous concrete pavement having a minimum thickness of 3 inches with a 12 inch gravel base or with cement concrete pavement having a minimum thickness of 4 inches with an 8 inch gravel base.
- I. **Fire Access.** All buildings shall be provided with vehicular access acceptable to the Fire Department. Buildings containing more than ten (10) dwelling units shall have access for fire apparatus on a minimum of three sides on paved or stabilized surfaces. Access drives and parking lot aisles shall accommodate the largest fire apparatus to be used by the local fire department.
- J. **Open Space.** Landscaped open space shall be provided for all lots in the Smart Growth Overlay District. A minimum of 15 percent of the lot shall be maintained as a Natural Vegetation Area. Buffer strips shall be provided where proposed Smart Growth Overlay District lots abut lots zoned or developed for single family use. Buffer strips shall provide evergreen planting and fencing as provided in IX.D.a).
- K. **Underground Utilities.** Utilities shall be installed underground.
- L. **Stormwater Management.**
- a). Stormwater management system shall be provided to collect all stormwater runoff from all lots with impervious areas proposed. Stormwater management system shall be contained within the boundaries of each lot

excepting that contiguous lots may share a stormwater management system provided that suitable easements and a management agent are provided ensuring proper funding and operation and repair or the stormwater management system in perpetuity.

- b) The stormwater management system shall have sufficient capacity to accommodate design storms while maintaining open channel flow in drainlines and one foot of freeboard in basins. Stormwater management system shall provide for collection and recharge of a volume equal to a 1 inch rainfall depth over all impervious surfaces within the lot. Stormwater management system shall provide for collection of runoff from the ten year frequency storm event from all surfaces within the lot. Stormwater basins shall provide for no increase in the peak rate of discharge for the 10 year frequency storm event. Stormwater management system plus overland flow shall collect runoff and direct it towards basins for the 100 year frequency design storm event. Stormwater basins shall provide for no increase in the peak rate of discharge for the 100 year frequency storm event.
- c) Roofwater shall be recharged in roofwater recharge facilities.
- d) Stormwater basins and roofwater recharge facilities shall be located with a minimum one foot separation to groundwater. Each stormwater basin shall be provided with a 10 foot wide maintenance road accessing the rim of the basin. Access shall be provided to the outlet control structure, sediment trap, and the emergency overflow device. Each open basin shall be provided with a sediment forebay or other equivalent device. Basins shall be located to avoid inundation by floodwaters during the 100 year storm. Basin discharges shall not direct runoff towards abutting properties.
- e) The stormwater management system shall comply with the DEP Stormwater Management Standards as set forth in 310 CMR 10.00 whether or not the site is subject to regulation under the "Massachusetts Wetlands Protection Act." Specifically the stormwater management system shall comply with the following:

- (i) There shall be no discharge of untreated stormwater directly to or cause erosion in wetlands or waterbodies.
- (ii) The post-development peak discharge rate shall not exceed pre-development peak discharge rate for the 2, 10, and 100 year frequency storm events.
- (iii) Loss of annual recharge to ground water shall be minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices and good operation and maintenance. The annual recharge from the postdevelopment site shall equal or exceed the annual recharge from the pre-development conditions based on soil type.
- (iv) Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS).
- (v) For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented.
- (vi) Stormwater discharges within any Water Resource Protection District or any Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharges near or to any other critical area require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices.
- (vii) A plan to control construction related impacts including erosion, sedimentation and other pollutant sources during construction shall be developed and implemented.
- (viii) A long-term operation and maintenance plan shall be developed and implemented to ensure that the stormwater management system functions as designed.

(ix) All illicit discharges to the stormwater management system are prohibited.

- f) Use of low impact design practices including pervious pavement is encouraged.
- g) Stormwater management system shall provide for 40 percent removal of Total Suspended Solids upgradient of any stormwater basin or recharge facility and shall provide for 80 percent Total Suspended Solids removal downgradient of the last stormwater basin.
- h) Drainlines, structures, and appurtenances shall comply with requirements of the Planning Board's Rules & Regulations.
- i) The design of stormwater basins and roofwater recharge facilities shall be based on characterization of the soil profile, permeability tests, and depth to groundwater based on test pits and/or borings and test well data. For each facility proposing recharge as mitigation for the design storm events, one test pit or boring and one permeability test shall be provided. For larger basins, the number of tests shall be increased such that one test pit or boring and one permeability test is provided for each 5,000 sq. ft. of basin footprint.
- j) An Operation and Maintenance Plan must be provided that provides for proper operation and maintenance of the stormwater management system in perpetuity. The Operation and Maintenance Plan shall comply with DEP recommended practice and shall provide adequate administrative organization to ensure proper funding and a proper management organization.

M. **Floodplains.** Parking facilities and access drives shall either be constructed above the 100 year flood elevation as shown on the Flood Insurance Rate Map for Sharon or the drainage system shall be designed to avoid surcharging catchbasins with floodwaters. The lowest floor of buildings shall be constructed a minimum of one foot above the 100 year flood elevation. The volume of fill or structures placed within the 100 year floodplain shall be offset by compensatory excavation such that the volume of fill is balanced by a volume of compensatory excavation for

each foot of elevation up to and including the 100 year flood elevation.

- N. **Dumpsters.** Dumpster pads shall be located to the side or rear of buildings where practicable. Dumpsters shall be provided with an 8 inch thick reinforced cement concrete pad with an 8 inch gravel base. The dumpster pad shall be provided with an area drain connected to the drainage system tributary to an appropriately sized water quality inlet. Dumpsters shall be screened with a combination of plantings and fencing as provided in Section IX.D.b).
- O. **Utility and Service Equipment.** Transformers, switchgears, meters, HVAC equipment or any other type of utility or service equipment shall be located to the rear or side of buildings where practicable and shall be screened with a combination of plantings and fencing allowed by the utility provider as provided Section IX.D.b).
- P. **Lighting.** Site lighting shall be designed with the lower illumination levels consistent with good design practice and IESNA recommendations. Maximum illumination levels shall not exceed 5 foot-candles at any location. Light trespass shall be limited to 0.25 foot-candles at all property lines, except at curb cuts. Fixtures and poles shall be compatible in style with on-site buildings. Maximum pole height shall be 24 feet in parking lots and 16 feet along pedestrian walkways and in pedestrian areas. Maximum height for building mounted fixtures shall be 10 feet above finished grade of properties directly abutting offsite residences, except for balcony fixtures and as required by State Building Code. Fixtures shall avoid upward projection of light consistent with "dark skies" principals and shall avoid point sources of light visible from off-site locations. All exterior lighting shall be energy efficient and shall incorporate zones and timers to reduce lighting levels at non peak times.

II. HEIGHT, BULK AND SCALE COMPATIBILITY

- A. **Compatible Design.** Proposed townhouses and multifamily residential buildings shall be compatible with the general setting and in relation to the surrounding buildings in architectural character, massing and scale.
- B. **Transition.** Residential structures shall exhibit scale reducing elements which tie the proposed buildings to the existing single family homes.

III. ARCHITECTURAL ELEMENTS AND MATERIALS

- A. **Materials.** Proposed materials shall be composed of generally accepted low maintenance and weather resistant exterior siding, trim, roofing and windows that reflect a New England vernacular. Painted or factory finished lap siding, stained cedar shingles, natural and artificial stone and masonry products are generally acceptable. Roofing materials may be asphalt shingles, synthetic shingles and other non reflective roofing products which achieve a sympathetic residential quality are acceptable.
- B. **Facades.** Elevations of the proposed buildings shall be articulated and demonstrate variations in height with offsets in walls forming bays or smaller scaled elements which reduce the overall scale. Windows may be double hung with divided lights or combined into a series of windows to add variety and overall pleasing quality. Trim around windows, fixed shutters, louvers, water table courses and historical style columns at porches add to a pedestrian friendly design.
- C. **Blank Walls.** Walls having no doors or windows shall not be allowed. All walls shall include the design features specified in Section III. B. Facades above. Particular attention shall be paid to facades facing sidewalks to ensure that they include architectural elements such as porches, stoops; columns, decorative fences, and appropriate landscaping that are conducive to pedestrian activity. Similarly, facades visible from a street, driveway or abutting property shall be suitably designed.
- D. **Ground Floors.** Pedestrian entrances and garage entrances shall be clearly identified and reinforced with architectural elements such as porches, colonnades and courtyards.
- E. **Mechanical Equipment.** Mechanical equipment shall be fully enclosed with screening and acoustically buffered and shall not be visible from ground level.

IV. ARCHITECTURAL CONCEPT AND CONSISTENCY

- A. **Proportion.** Proposed buildings shall provide for a pleasing proportion of height to length ratio to allow the building to fit naturally into the setting.
- B. **Massing.** Buildings shall be massed in such a way as to allow for views and to allow for light, air and sun between

buildings. Townhouse units shall be combined into buildings that allow for variety in size and shape. Multifamily buildings shall be stepped, jogged or angled in order to reduce bulk and mass.

- C. **Rooftops.** Buildings shall have roofs typical to the historical character of New England with overhangs and dormers. Roofs shall have a harmonious pitch, color and texture. Roofs may contain dormers, porches, skylights and chimneys and other features that demonstrate a residential character. Any rooftop mechanical equipment, air compressors and other noise producing elements shall be acoustically buffered and shall be screened on all sides.
- D. **Distinctive Features.** Traditional columns, trim styles, railings, balustrades, window flower boxes and dormers shall be encouraged.

V. HUMAN SCALE

- A. **General.** Residential scaled materials and features shall be encouraged such as exterior light fixtures, site benches, and planters. Patterned garage doors rather than blank panel doors also contribute to a more human scaled building.

VI. EXTERIOR FINISH MATERIALS

- A. **General.** Consistency of finish materials in terms of color, texture and pattern contribute to an overall sympathetic palette.

VII. PROJECT ENVIRONMENT

- A. **Wastewater.** Sanitary sewer collection systems, on-site and off-site force mains and pumping stations, and on-site wastewater treatment plants serving the Smart Growth Overlay District shall have adequate administrative and funding mechanisms to provide for proper operation, maintenance, monitoring, and testing. All sanitary sewers shall be subject to on going requirements for leak detection and repair. Buildings shall incorporate water conservation devices including low flow plumbing fixtures including low flow toilets. On-site wastewater generation exceeding six (6) gallons per day per one-thousand (1,000) sq. ft. of lot area and on-site wastewater treatment plants treating domestic wastewater are only permitted pursuant to issuance of a

Groundwater Discharge Permit by the Massachusetts Department of Environmental Protection. Wastewater treatment plant effluent shall comply with the DEP "Interim Guidelines on Reclaimed Water (Revised)", Policy No. BRP/DWM/PeP-P00-3 dated 01/03/2000.

- B. **Traffic.** Off-site road and intersection improvements shall be provided to mitigate traffic impacts of Smart Growth Overlay District projects. All roadways within 3,000 feet of the project site accommodating more than 10 percent of the trips generated by sites in the Smart Growth Overlay District shall be improved to Collector Street Standards as set forth in the Land Subdivision Rules and Regulations of the Sharon Planning Board. All intersections accommodating more than 10 percent of the trips generated by sites in the Smart Growth Overlay District shall be improved such that the intersection shall operate at level-of-service D (LOS D) or better under the Build Plus 5 Year Case. For unsignalized intersections not meeting MUTCD Warrants or where signalization is not permitted by the Town or agencies having jurisdiction, geometric, pavement marking, and signage improvements shall be provided to mitigate traffic impacts.
- C. **Irrigation.** Irrigation shall comply with an "Irrigation Management Plan" that incorporates staged drought management provisions. The Irrigation Management Plan may provide for non-municipal water and treated effluent application to turf in recreation facilities to the extent allowed by regulatory agencies having jurisdiction. On-site well water may be used, but drawdown affecting adjacent water supply wells should be minimized.
- D. **Landscape Maintenance.** Site operation and maintenance shall comply with an Integrated Pest Management Plan. Use of fertilizer shall be minimized. Prior to applicant soil shall be analyzed and only required nutrients shall be applied.
- E. **Noise.** All exterior HVAC or other exterior equipment shall include a noise suppression package or a screening enclosure to baffle the noise. Noise caused by such equipment shall neither exceed 70 dBA at the source nor exceed 55 dBA at the boundary of the property containing the Smart Growth Overlay District. Interior noise levels shall not exceed 55 dBA.
- F. **Sedimentation and Erosion.** Construction shall be performed in a manner that minimizes sedimentation, erosion, and

fugitive dust. Plan submissions shall include sedimentation and erosion control plans. All construction shall comply with the "Stormwater Discharges Generated By Construction Activity By-Law."

- G. **Construction Impacts.** Construction shall be performed in compliance with applicable laws and codes and shall include all measures required by the Plan Approval Authority to control noise, vibration, truck traffic, maintenance of traffic, and safety.

VIII. LANDSCAPING

- A. **Planting Plans.** Planting plans for all Smart Growth Overlay District projects shall be prepared by a Massachusetts Registered Landscape Architect and the planting plan shall bear the Landscape Architect's signature and seal.
- B. **Design.** Required plantings shall consist of shade trees, coniferous trees, ornamental flowering trees, shrubs, mulch beds, turf areas, and Natural Vegetation Areas. A minimum of 6 shrubs or one flowering tree shall be provided for each required shade tree. Landscaping shall consist primarily of native species to minimize maintenance, particularly water use. Plants included on the Massachusetts Department of Agricultural Resources' "Massachusetts Prohibited Plant List" (2006) are prohibited. Extensive mono plantings of a single species shall be avoided. Loam shall be provided for all areas within the limit of construction excluding building footprints, paved areas, and Natural Vegetation Areas. Loam shall be placed at a depth of at least six inches and shall be seeded and maintained as turf, planted for groundcover, or shall be covered with a 4 inch thick layer of natural color cedar bark mulch or suitable stabilization such as colored stone.
- C. **Context.** Landscaped areas shall be context sensitive and designed to complement adjacent or nearby buildings, walkways, streets and parking areas.
- D. **Required Plantings.**
- a) Buffer strips abutting lots zoned or developed for single family use shall have a minimum width of 5 feet and shall be increased to 25 feet where practicable and shall be densely plated with evergreen trees and

shrubs. An opaque board fence having a minimum height of 6 feet shall be provided continuously along the entire length of the buffer strip where the landscaped width is less than 15 feet. Evergreen trees shall be planted in a double row with a maximum average spacing of 25 feet on center. Trees shall be under planted with shrubs to provide screening at multiple levels.

- b) Screening shall be provided for dumpsters, exterior electric and mechanical equipment, and utility structures subject to any restrictions set forth by the utility purveyor. Screening shall consist of evergreen trees and shrubs and shall be 2 feet taller than the feature being screened within ten years of planting. An opaque board fence having a minimum height of 6 feet shall be provided continuously adjacent to the element being screened as allowed by the utility provider. Evergreen trees or shrubs shall be planted such that their spread provides contact between plants within ten years of planting. Trees shall be under planted with evergreen shrubs to provide a continuous screen at all levels.
- c) Landscaping shall be provided along the entire street frontage. Front yard landscape areas shall have a minimum width of 10 feet and shall be densely planted with shade trees, evergreen trees, shrubs, and turf areas or shall be maintained as a Natural Vegetation Area. Trees may be equally spaced or clustered in a manner approved by the PAA. One shade tree or one coniferous tree shall be provided for each 30 feet of frontage. Credit shall be given for street tree planting proposed within adjacent streets.
- d) Landscaping shall be provided for all parking lots containing 10 or more parking spaces. A minimum of 1 shade tree shall be provided for every 8 parking spaces. Shade trees shall be located in a manner to provide shade to the pavement in order to reduce heat gain in the parking lots.

E. Plantings.

- a) Shade trees shall be deciduous hardwood trees and shall have a minimum caliper of 2 to 2½ inches at the time of planting.

- b) Flowering trees shall have a minimum caliper of 2 to 2½ inches at the time of planting.
- c) Coniferous trees shall be 8 to 10 feet in height at the time of planting.
- d) Shrubs shall be 18" to 24" in height at the time of planting.
- e) All trees shall be healthy, vigorous growing, and true to form and shape. All trees and shrubs shall be nursery grown.

- F. **Irrigation.** Potable water from the Sharon public water distribution system shall not be used for irrigation. Irrigation shall conform to an Irrigation Management Plan.
- G. **Detention Basins.** To the maximum extent practicable, detention basins shall be designed to blend in with the natural landscape. The basins shall also be screened with naturalistic plants to better incorporate the area into the natural vegetation area.
- H. **Lighting.** Site lighting shall be designed with the lower illumination levels consistent with good design practice and IESNA recommendations. Fixtures and poles shall be compatible in style with on-site buildings. Maximum pole height shall be 24 feet. Fixtures shall avoid upward projection of light consistent with "dark skies" principals and shall avoid point sources of light visible from off-site locations.

IX. SIGNAGE

- A. **Master Signage Plan.** All applications shall include a master signage plan that includes the design and location of all signs within the project including any monument, building, directional and informational signs. Generally, all signs within a single project shall adhere to a common design theme.
- B. **Monument Signs.** No more than one monument sign, limited to a maximum of 24 square feet per side, per entrance from a public way shall be allowed. There shall be two posts for monument signs (one on each side), which shall be constructed of granite, wood, or other material as may be approved by the

PAA. These signs shall be limited to the name of the development and the municipal address.

- C. **Building Signs.** Building signs shall be pedestrian in scale and limited to one sign, a maximum of 12 square feet, per public entrance for multifamily buildings. Townhouse signs shall be limited to the name of the occupant and the municipal address, and shall not exceed 1 square foot.

PART TWO
SUBZONE DESIGN STANDARDS

SUBZONE A
RESIDENTIAL CONDOMINIUMS & APARTMENTS

The following design standards apply to all lots in Subzone A:

I. SITE PLANNING

A. Off-street Parking.

- a) Parking shall be provided on the same lot as the proposed use or on contiguous lots provided that access and parking easements are provided. The required number of parking spaces shall comply with Smart Growth Overlay District requirements. All resident parking spaces shall be provided within parking structures. Visitor parking spaces may be provided either within parking structures, along one-side of on-site access drives, in exterior at grade parking facilities.

(i) Exterior parking facilities shall fully comply with Section II.E.

(ii) Structured parking spaces may be a minimum of 9 feet by 20 feet (preferred) or may be reduced to 8 ½ feet by 18 feet. Up to 25 percent of garage spaces may be 8 ½ by 16 feet for compact car parking spaces. Columns in parking garages may encroach on up to 3 sq. ft. of any parking space provided that the encroachment does not reduce the minimum required length or width by more than one foot.

(iii) Parking aisles accommodating two-way traffic flow shall have a minimum width paved of 24 feet.

- B. **Curbing.** Access drives, parking facilities, and loading facilities shall be provided with vertical faced curbing or monolithic haunched concrete walks having a 6 inch reveal. Vertical granite curb type VA4 shall be used within 50 feet of the sideline of streets or ways providing frontage. The applicant may provide either vertical granite curb type VA4, vertical precast concrete curb, or monolithic haunched concrete walks on other portions of the site. Curb shall be backed front and back with concrete. The Plan Approval Authority may allow bituminous concrete berm in remote portion of the site or in service areas.

**SUBZONE B
RESIDENTIAL TOWNHOUSES**

The following design standards apply to all lots in Subzone B:

I. SITE PLANNING

- A. **Secondary Driveways.** Secondary driveways serving one dwelling unit shall be a minimum width of 12 feet. The slope of the centerline of secondary driveway shall be a minimum slope of 1 percent, a maximum of 8 percent where parking is allowed, and a maximum slope of 12 percent where parking is not allowed.
- B. **Off-Street Parking.**
- a) Garage resident parking spaces for townhouse units shall measure shall be a minimum of 12 by 20 feet.
 - b) Exterior resident parking spaces for townhouse units shall be a minimum of 9 by 20 feet. Exterior resident parking spaces for individual units shall be located to avoid blocking access to the garage parking space. A stacked parking configuration is not allowed.
 - c) Visitor parking spaces may be provided in separate on-site parking facilities or parallel parking spaces may be provided along the sides of principal access drives. Visitor parking shall be provided within 400 feet of the townhouse building that it is intended to serve. Visitor parking spaces shall comply with the provisions of Section II.E.
- C. **Surfacing.** Secondary access drives, and parking spaces

shall be surfaced with bituminous concrete pavement, Portland cement concrete, or pavers with a 12 inch gravel base. Bituminous concrete pavement within secondary driveways and parking spaces shall have a minimum thickness of 3½ inches. Pavement and base materials shall comply with requirements of the Planning Board's Rules & Regulations as applicable.

- D. **Curbing.** Access drives serving townhouse units shall be provided with a planting strip and sloped granite edging or vertical faced curbing having a 6 inch reveal. Vertical granite curb type VA4 shall be used within 50 feet of the sideline of streets or ways providing frontage. The applicant may provide either vertical granite curb type VA4, vertical precast concrete curb, or sloped granite edging on other portions of the site. Where sloped granite edging is used, the edging shall be separated from walkways by a planting strip. Curb shall be backed front and back with concrete and sloped granite edging shall be set in concrete.

II. LANDSCAPING

- A. **Design.** Consideration shall be given to creating defined open areas for each dwelling unit through screening and planting.
- B. **Required Plantings.** A minimum of 1 shade tree is required for each townhouse dwelling unit.

FINANCE COMMITTEE RECOMMENDATION:

Under current zoning and under a memorandum of understanding as provided at a Special Town Meeting March 12, 2007, the Town would work with the developer on a 40B Local Initiative Program to build a 168 residential unit "Sharon Residences" development on property sited along Old Post Road across from the to-be-built Sharon Commons.

This article, if passed, would allow a 40R project instead of the pending 40B LIP project. Under this article, there is no change to the scope or density of the project. The total number of units would remain at 168. The advantage to the Town would be a one-time incentive payment under the state's "smart growth" initiative.

In Sharon Residences, 168 residential units are being developed. For complying with 40R, if the zoning change were passed, the Town would receive a one-time \$200,000 payment. In addition, the Town would receive \$3,000 for each individual building permit issued (168 units x \$3,000 = \$504,000).

There are differences between the 40B and 40R statutes; here are a few.

Under 40B, a development may bypass local zoning by-laws; waivers from Town bylaws, rules, and regulations are allowed; there are no payments from the state to the Town; the ZBA is the permit-granting authority; there is a 20% profit limit for the developer; there is a cost certification audit that must be done by the developer; an appraisal is required to value the land; and 25% of ownership and rental units must be deemed affordable.

Under 40R, there must be a new overlay district; the developer must meet Town bylaws, rules, and regulations specified for the district; the ZBA remains the permit-granting authority; there is no profit limit to the developer; there is no audit process or appraisal required of the developer; and 25% of the rental and 20% of the ownership units must be deemed affordable.

As of the printing of this warrant, the Planning Board has yet to weigh in on this proposal. A public hearing is scheduled for October 29th.

The Finance Committee will present its recommendation at Town Meeting.

ARTICLE 5

To see if the Town will vote to amend the Sharon Zoning By-Law by making the following changes thereto:

In Section 4900, entitled "Sharon Commons Smart Growth Overlay District, Subsection 4903, entitled "Overlay District," Number 1, entitled "Establishment," make the following amendments:

- A. Delete "10.19 acres" in the first sentence of said Subsection, and replace same with "12.29 acres."
- B. Delete the phrase "Assessor's Map 47, Lot 37" in the first sentence of said Subsection, and replace same with

"Assessor's Map 47, Lots 23, 24, 36 and 37."

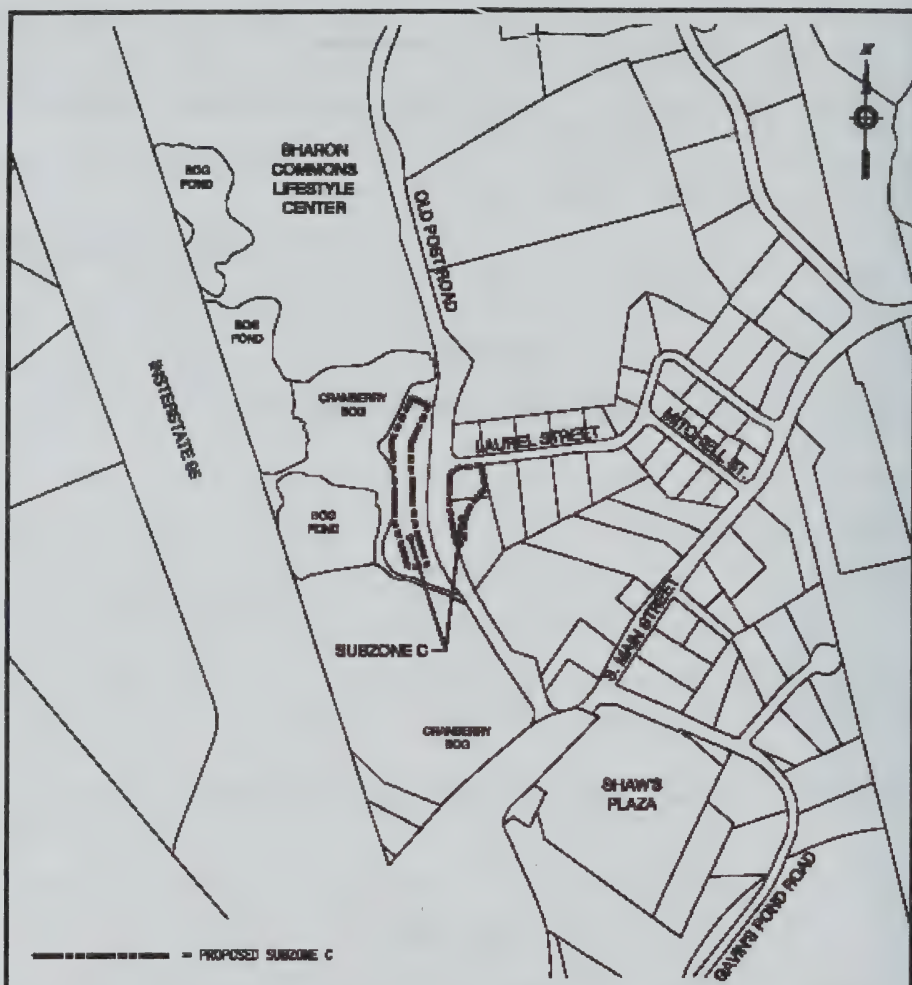
- C. Delete the phrase "but only including Subzones A and B" in the first sentence of said Subsection.
- D. Delete the word "two (2)" in the first sentence of said Subsection, and replace same with "three (3)."


Or to take any other action relative thereto.

BOARD OF SELECTMEN

APPENDIX A

(please see map on page 50)



<p>ATTACHMENT 5-4: SMART GROWTH ZONING MAP</p> <p>COLER & COLANTONIO </p> <p>ENGINEERS AND ARCHITECTS</p>	<p>SHARON COMMONS SMART GROWTH OVERLAY DISTRICT (SCSGOD)</p> <p>SHARON, MASSACHUSETTS</p> <p>SCALE: 1" = 800'</p>	<p>ATTACHMENT 5-4</p> <p>DATE: SEPT. 23, 2008</p>
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APPENDIX B

SHARON COMMONS SMART GROWTH OVERLAY DISTRICT DESIGN STANDARDS OF THE PLAN APPROVAL AUTHORITY

SUBZONE C RESIDENTIAL TOWNHOUSE AND CONDOMINIUM DESIGN STANDARDS

The following design standards apply to all lots in Subzone C:

I. SITE PLANNING

A. **Secondary Driveways.** Secondary driveways serving one townhouse dwelling unit shall be a minimum width of 12 feet. The slope of the centerline of secondary driveway shall be a minimum slope of 1 percent, a maximum of 8 percent where parking is allowed, and a maximum slope of 12 percent where parking is not allowed. Secondary driveways and parking spaces shall be surfaced with bituminous concrete pavement, Portland cement concrete, or pavers with a 12 inch gravel base. Bituminous concrete pavement within secondary driveways and parking spaces shall have a minimum thickness of 3½ inches. Pavement and base materials shall comply with requirements of the Planning Board's Rules & Regulations as applicable.

B. Off-Street Parking.

a) Parking shall be provided on the same lot as the proposed use or on contiguous lots provided that access and parking easements are provided. The required number of parking spaces shall comply with Smart Growth Overlay District requirements. Parking spaces may be provided either within garages for townhouses, within multi-vehicle parking structures, along one-side of on-site access drives, in exterior at grade parking facilities.

b) Exterior parking facilities shall fully comply with Section II.E.

c) Structured parking spaces within multi-vehicle parking structures may be a minimum of 9 feet by 20 feet (preferred) or may be reduced to 8 ½ feet by 18 feet. Up to 25 percent of garage spaces may be 8 ½ by 16 feet for compact car parking spaces. Columns in parking

garages may encroach on up to 3 sq. ft. of any parking space provided that the encroachment does not reduce the minimum required length or width by more than one foot.

- d) Garage resident parking spaces within townhouse garages shall measure shall be a minimum of 12 by 20 feet.
- e) Exterior resident parking spaces for townhouse units shall be a minimum of 9 by 20 feet. Exterior resident parking spaces for individual townhouse units shall be located to avoid blocking access to the garage parking space. A stacked parking configuration is not allowed.
- f) Visitor parking spaces may be provided in separate on-site parking facilities or parallel parking spaces may be provided along the sides of principal access drives. Visitor parking shall be provided within 400 feet of the building that it is intended to serve.

- C. **Curbing.** Access drives serving townhouse units shall be provided with a planting strip and sloped granite edging or vertical faced curbing having a 6 inch reveal. All other access drives, parking facilities, and loading facilities shall be provided with vertical faced curbing or monolithic haunched concrete walks having a 6 inch reveal. Vertical granite curb type VA4 shall be used within 50 feet of the sideline of streets or ways providing frontage. The applicant may provide either vertical granite curb type VA4, vertical precast concrete curb, or monolithic haunched concrete walks on other portions of the site. Curb shall be backed front and back with concrete. The Plan Approval Authority may allow bituminous concrete berm in remote portion of the site or in service areas.

II. LANDSCAPING

- A. **Townhouse Design.** Consideration shall be given to creating defined open areas for each dwelling unit through screening and planting.
- B. **Required Plantings.** A minimum of 1 shade tree is required for each townhouse dwelling unit.

FINANCE COMMITTEE RECOMMENDATION:

If action under Article 4 is approved, favorable action on Article 5 would allow for an additional 42 units to be built on a separate parcel of land at the intersection of Old Post Road and Laurel Road. The Town would receive an additional one-time payment of \$150,000 upon change of zoning as well as \$3,000 for each individual building permit issued (42 units x \$3,000 = \$126,000), totaling \$276,000.

As of the printing of the warrant, the Planning Board has yet to weigh in on this proposal. A public hearing is scheduled for October 29th.

The Finance Committee will present its recommendation at Town Meeting.

ARTICLE 6

To see if the Town will vote to accept the proposed layout of Johnson Drive which is currently a portion of unnamed roadway in Sharon, as shown on a plan entitled, "Layout Plan of Johnson Drive in Sharon, MA, Norfolk County," dated July 14, 2008, prepared by Merrikin Engineering, LLP, a copy of which is on file with the Sharon Town Clerk. Said layout was approved by the Board of Selectmen and duly filed with the Town Clerk, and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain under Mass. General Laws, Chapter 79 and/or Chapter 80A as such eminent domain procedure shall be determined by the Board of Selectmen, the fee in or permanent easements to the areas within said layout for all purposes for which public Town ways and sidewalks are used in the Town of Sharon, and temporary easements to use areas shown on said plan for construction purposes relating to the Plan and to raise and appropriate therefor a sum of money for said easement or fee acquisitions, and further, to determine whether this appropriation shall be raised by borrowing or otherwise;

And further to abandon and discontinue the unused portions of the 1962 Town layout of the old High Plain Street and its easements and/or fee interests in the portions of the old High Plain Street, shown as Parcel D on a plan entitled "Town of Sharon Abandonment Plan of Land in Walpole & Sharon, MA" dated

May 12, 2008, prepared by Merrikin Engineering, LLP, a copy of which is on file with the office of the Sharon Town Clerk.

And further to abandon and discontinue that portion of the 1966 Town Taking shown as Parcel E containing 11,782 square on the plan entitled "Town of Sharon Abandonment Plan of Land in Walpole & Sharon" dated May 12, 2008, prepared by Merrikin Engineering, LLP, a copy of which is on file with the office of the Sharon Town Clerk.

And further to declare surplus those portions of land shown as Parcel B containing 7,859 square feet, Parcel D, containing 7,628 square feet and Parcel E, containing 11,782 square feet as shown on the plan entitled "Town of Sharon Abandonment Plan of Land in Walpole & Sharon" dated May 12, 2008, prepared by Merrikin Engineering, LLP, a copy of which is on file with the office of the Sharon Town Clerk and to authorize the Board of Selectmen to convey or otherwise dispose of the property to be abandoned and to enter into any such contracts or agreements to accomplish said disposition. It has been determined that the property to be abandoned, as shown on said plan, is no longer required for the purposes for which it was taken. Said disposition to follow the action by the Norfolk County Commissioners to discontinue Parcel B leaving said title in the Town of Sharon.

Or to act in any way relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Positive action on this article will accomplish three things. First, the article will correct a defect in the current inventory of Town property by establishing a boundary line for the southeast side of Johnson Drive. This boundary was not established when the road was constructed. Both the Selectmen and the Public Works Department recommend establishing this boundary. Second, the Town will abandon two pieces of land. One piece is part of the 1962 Town layout for High Plain Street that was not used for the construction of High Plain Street. The second piece is land that the Town acquired in 1966. The Town is not currently using either parcel. Third, the Town will declare these parcels of abandoned land surplus, which will make them available for any Town Department that has a use for them. If no Town Department wants to use the parcels, then the Town can sell

the parcels at auction.

As of the printing of the warrant, the Planning Board has yet to weigh in on this proposal. A public hearing is scheduled for October 29th.

The Finance Committee will present its recommendation at Town Meeting.

ARTICLE 7

To see if the Town will vote to amend the Zoning By-Law by adding at the end of Section 2110 a new overlay district entitled "100 High Plain Overlay District" (100HPOD).

And further to amend the Zoning By-Law by adding a new Article 4900 entitled "100 High Plain Overlay District" as follows:
100 HIGH PLAIN OVERLAY DISTRICT (100HPOD)

Purpose.

It is the purpose of this section to establish the 100 High Plain Overlay District (100HPOD) to encourage commercial development of an underutilized property in the Town of Sharon lying adjacent to Route 95. Objectives of this section are to:

Promote a mechanism by which commercial development can contribute directly to increasing the Town of Sharon's tax base;

Establish requirements, standards and guidelines to ensure predictable and cost-effective development, review and permitting; and

Establish development standards to allow context-sensitive design and creative site planning.

Application.

The 100HPOD is hereby designated as including Assessor's Parcel No. 123-5 commonly known as 100 High Plain Street and the property adjacent to said parcel all as shown on the plan entitled Plan of Land in Walpole & Sharon, Scale 1" = 30' Date: May 12, 2008 by Merrikin Engineering, LLP, Consulting Engineers, 2 Milliston Road, Suite 1C, Millis, MA 02054. The 100HPOD shall

not restrict ownership rights relevant to the underlying zoning district, however, if the owner elects to use the 100HPOD for development purposes, all development shall conform to the regulations set forth in this Section, as well as all other relevant provisions of the Sharon Zoning and General By-Laws including specifically Section 4500 Water Resource Protection District and the Sharon Conservation Commission regulations.

Uses.

All uses currently permitted in Business A, Business B and Business C, Light Industrial and Professional Districts shall be permitted in the 100HPOD.

Wastewater.

A plan for the treatment of wastewater from the proposed development in 100HPOD must be provided in accordance with Board of Health regulations.

Height.

All new construction in the 100HPOD shall neither exceed four (4) stories nor a height of eighty feet (80').

Off-Street Parking Requirements.

- a. The number of parking spaces required for uses under Business A, Business C and Professional Districts shall be governed by Section 3111; the number of parking spaces required for uses under Business B and Light Industrial Districts shall be governed by Section 3131.
- b. In order to provide for better site design, up to twenty-five (25%) percent of the total number of parking spaces may, at the discretion of the Planning Board, be allocated for compact cars with dimensions of eight (8N) feet by eighteen (18N) feet. Such spaces shall be clearly designated for compact cars only.

Minimum Lot Dimension.

The minimum lot dimension for 100HPOD development shall be as set forth below:

Minimum Lot Area: 60,000 square feet

Minimum Lot Frontage:	one hundred feet (100')
Minimum Lot Width:	one hundred fifty feet (150')
Minimum Front Setback:	twenty five feet (25')
Minimum Sideline Setback:	twenty five feet (25')
Minimum Rear Setback:	twenty five feet (25')
Maximum Lot Coverage:	sixty percent (60%)
Minimum Landscaped Open Space	twenty percent (20%)

Water Resource Protection.

All projects utilizing the 100HPOD shall be developed in accordance with Section 4500 of the Zoning By-Law of the Town of Sharon.

Site Plan Review.

All projects developed under the 100HPOD shall be subject to the Site Plan Review procedures of the Planning Board as provided in Section 6330, as well as the Town's Stormwater Discharges Generated by Construction Activity General By-Law. Projects undergoing extended design review shall be required to submit to the Planning Board the basic site plan contents.

Approval.

The Planning Board shall be the Special Permit Granting Authority (SPGA) for 100HPOD development, as well as the authority for Site Plan Review. Authorization for any uses within the 100HPOD development which would require a Special Permit under underlying zoning, shall also be obtained through the Planning Board.

As the 100HPOD is unique in its location within the Town of Sharon, it is anticipated that the standards and guidelines under the existing By-laws and Rules and Regulations be considered with flexibility to enable the purposes of this District to be realized while protecting the interests of the area in which it is located.

Or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Positive action on this article will establish a zoning overlay district to permit commercial or light industrial development along High Plain Street in an area adjacent to the existing car wash and the entrance to Wal-Mart. The specifications for the proposed overlay district will be examined by the Planning Board, which will determine if they conform to current Town zoning regulations for other commercial and light industrial properties with respect to allowable uses, wastewater, building height, off-street parking, lot dimensions, water resource protection, site plan review and approval processes.

As of the printing of the warrant, the Planning Board has yet to weigh in on this proposal. A public hearing is scheduled for October 29th.

The Finance Committee will present its recommendation at Town Meeting.

ARTICLE 8

To see if the Town will vote to amend its Zoning By-Law by amending the map entitled "The Town of Sharon, Massachusetts - Zoning Map" - dated May 10, 2001, as amended, prepared by and bearing the signatures of the Board of Appeals to overlay upon the following described 2.46 acre parcel of land located in the Rural-1 zoning district. Such parcel includes the property known as Assessor's Parcel No. 123-5 commonly known as 100 High Plain Street and the property adjacent to said parcel all as shown on the plan entitled "Plan of Land in Walpole & Sharon, Scale = 1" = 30' Date: May 12, 2008" by Merrikin Engineering, LLP, or to take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Positive action on this article would apply the zoning overlay district established in Article 7 both to the Town property that will be abandoned and declared surplus if Article 6 passes and to the adjoining piece of property, owned by an individual. Positive action on this article would amend the Zoning Map to reflect these changes.

As of the printing of the warrant, the Planning Board has yet to

weigh in on this proposal. A public hearing is scheduled for October 29th.

The Finance Committee will present its recommendation at Town Meeting.

ARTICLE 9

To see if the Town will vote to establish a stabilization fund pursuant to M.G.L. ch. 40, § 5B, for the purpose of funding sidewalk improvements, and to raise and appropriate a sum of money in the amount of \$310,000, from money initially given to the Town for this purpose by the Avalon Bay developers; to authorize the Department of Public Works to spend money from the Sidewalk Improvement Stabilization Fund for constructing, repairing, maintaining, or otherwise improving the Town's sidewalk system; or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This article will make the Town procedure for processing mitigation funds from developers conform to state guidelines. The article will establish a Sidewalk Improvement Stabilization Fund into which the Town will deposit a \$310,000 mitigation payment received from Avalon Bay developers. The article then allows the Public Works Department to spend money from this fund to construct, repair, and maintain the Town sidewalk system.

The Finance Committee voted 6-0-0 to recommend adoption of this article.

ARTICLE 10

To see if the Town will vote to establish a stabilization fund pursuant to M.G.L. ch. 40, § 5B, for the purpose of funding water line improvements, and to raise and appropriate a sum of money in the amount of \$400,000, from money initially given to the Town for this purpose by the Avalon Bay developers, to authorize the Water Department to spend money from the Water Improvement Stabilization Fund for such purpose; or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This article will make the Town procedure for processing mitigation funds from developers conform to state guidelines. The article will establish a Water Improvement Stabilization Fund into which the Town will deposit a \$400,000 mitigation payment from Avalon Bay developers. The article then allows the Water Department to be reimbursed from this fund for water line improvements made, primarily the recently completed water main replacement along Route 27.

The Finance Committee voted 6-0-0 to recommend adoption of this article.

ARTICLE 11

To see if the Town will vote to raise and appropriate a sum of money for extraordinary repairs to stabilize or otherwise improve facilities and or structures located on the former Horizons for Youth property; and to determine whether this appropriation shall be raised by borrowing or otherwise;

or take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This article allows the Town of Sharon to borrow up to \$100,000 in order to continue the renovations to the property on Lakeview Street formerly known as Horizons for Youth. The Town purchased this property and has subsequently leased it to various groups to generate revenue from the site. Further repairs and improvements will allow the Town to raise the rent for lessees and generate more revenue on a continuing basis. This appropriation had been approved by the Finance Committee and various Town boards prior to last May Town Meeting but was inadvertently omitted from the warrant at that time.

The Finance Committee voted 8-0-1 to recommend adoption of this article.

ARTICLE 12

To see if the Town will vote to raise and appropriate a sum of money for the Charter Commission to hire consultants, pay for administrative costs, and otherwise pay ordinary expenses incurred by the Commission and to determine whether this appropriation shall be raised by borrowing or otherwise;

or take any other action relative thereto.

CHARTER COMMISSION

FINANCE COMMITTEE RECOMMENDATION:

In May 2008, the voters of Sharon approved the creation of a Charter Commission and elected nine members to serve on that body. By statute, the Charter Commission received initial funding of \$5,000. Those funds were provided from the Selectmen's budget. The Charter Commission is now seeking an additional \$25,000. The money will be used for administrative and other Commission expenses. This would include hiring a consultant to advise them through the charter process and help them draft a charter for the Town.

The Finance Committee voted 8-1-0 to recommend adoption of this article.

ARTICLE 13

To see if the Town will vote to accept easements from six individual homeowners on Lakeview Street where it has been determined that small portions of the existing roadway are currently located on private property, or to take any other action relative thereto.

Legal descriptions and plans of the easements are on file with the Town Clerk. The proposed easements contain 150 square feet for Lot 15, 1203 square feet for Lot 16, 80 square feet for Lot 17, 400 square feet for Lot 19, 2,120 square feet for Lot 20, and 1,081 square feet for Lot 21, all more or less.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

This article will allow the Town to accept easements granted by six landowners on Lakeview Street. When this street was constructed, the pavement of the road exceeded the road's right of way, and part of the paved roadway is on the abutting private lots. The Town is looking to accept these easements so the past error can be corrected. The Planning Board will hold a public hearing on this article on October 29th. The Finance Committee will make its recommendation subsequent to that hearing.

The Finance Committee will present its recommendation at Town Meeting.

ARTICLE 14

To see if the Town will vote to amend the Town's Zoning By-Law by deleting in its entirety the section entitled "Sign Bylaw."

Or take any other action relative thereto.

PLANNING BOARD

FINANCE COMMITTEE RECOMMENDATION:

Approval of this article will remove the Sign By-Law from the Town's Zoning By-Law and leave in place the section regarding signs in the General By-Laws.

Some differences between the two signage sections are as follows:

Under the Zoning By-Law, any change must be approved by a two-thirds vote at Town Meeting. Under the General By-Laws, only a majority vote of Town Meeting is required to approve any change.

Under the Zoning By-Law, all existing signs are grandfathered, and no change to any of those signs can be mandated. Under the General By-Laws, existing signs are not grandfathered and therefore changes to those signs may be required and enforced.

At the time of the printing of the warrant, the Planning Board had not yet met with the Finance Committee to review the signage

sections in both by-laws and to discuss these proposed changes.

The Finance Committee will present its recommendation at Town Meeting.

ARTICLE 15

To see if the Town will vote to amend Article 25, Enumeration of Fees, of the General By-Laws by deleting therefrom the last item entitled "Issuance of a burial permit, ten dollars", or take any other action relative thereto.

TOWN CLERK

FINANCE COMMITTEE RECOMMENDATION:

This article will make Town by-laws conform to state law by eliminating the current \$10 burial fee.

The Finance Committee voted 9-0-0 to recommend adoption of this article.

ARTICLE 16

To see if the Town will vote to authorize the collector to charge a fee for each written demand issued by the collector, said fee not to exceed \$30.00, to be added to and collected as part of the tax, as authorized by M.G.L. ch. 60, § 15; or to take any other action relative thereto

FINANCE DIRECTOR

FINANCE COMMITTEE RECOMMENDATION:

This article will allow the Town to increase the fees it charges delinquent taxpayers to process and serve a demand for overdue taxes from the current level of five dollars (\$5.00) to a maximum of thirty dollars (\$30.00).

The Finance Committee voted 8-1-0 to recommend adoption of this article.

ARTICLE 17

To see if the Town will vote to amend Article 17, Regulation of Dogs, of the General by-Laws as provided below:

SECTION 1. Licenses shall be required in accordance with Massachusetts General Laws Chapter 140, Section 139 and are valid for a one year period commencing on January 1st and expiring on December 31st of each year. The annual fee for every dog license, except as otherwise provided by the law, shall be \$20 for a male dog and \$20 for a female dog, unless a certificate of registered veterinarian has been shown to the Town Clerk indicating that such male or female dog has been spayed or neutered, in which case the fees shall be \$15.

SECTION 1A. The fee for kennel licenses shall be thirty-five dollars (\$35.00) if no more than four dogs over the age of three months are kept in said kennel; sixty dollars (\$60.00) if more than four but no more than ten dogs over the age of three months are kept therein; and one hundred and twenty-five dollars (\$125.00) if more than ten dogs over the age of three months are kept therein.

SECTION 2. Disturbing the peace: No person shall own or keep in the Town any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public.

SECTION 2A. Mandatory Leash Law: No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash or is under the control of its owner or keeper or the agent of either. As used in this section the term "control" shall include but not be limited to oral or visual commands to which the dog is obedient. Dogs running at large and not under restraint will be caught and confined for a period of up to ten days, and the owner or keeper will be forthwith notified. Said dog shall not be released to that owner or keeper, until a pick-up charge of twenty dollars (\$20.00) per dog shall have been paid to the Town of Sharon for services rendered in addition to a per day

boarding fee which is determined by the shelter for the care and keep of each dog impounded.

SECTION 3. Complaint of nuisance: If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within his/her jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Animal Control Officer shall investigate such complaint, which may include an examination under oath of the complainant, and submit a written report to the Selectmen of his/her findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Selectmen to issue their order following the receipt of the report of the Animal Control Officer. If the Selectmen fail to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated.

SECTION 4. The Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period of not to exceed fourteen (14) days, for any dog for any of the following reasons:

- a. for having bitten a person;
 - b. if found at large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect;
 - c. if found in a school, schoolyard or public recreational area;
 - d. for having killed or maimed or otherwise damaged any other domesticated animal;
 - e. for chasing any vehicle upon any public way open to public travel in the Town;
 - f. for any violation of Section 2.
- Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Selectmen a report of his/her action and the

reasons therefore. Upon receipt of such report, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated.

SECTION 5. Appeal of restraint or muzzling: The owner or keeper of any dog that has been ordered to be restrained or muzzled or has been restrained under this article, may file a request in writing with the Animal Control Officer that the restraining order be vacated, or that the dog be released, and after investigation by the Animal Control Officer such Officer may vacate such order or release such dog, if the order or restraint was imposed by him/her. If the order was imposed by the Selectmen, the Animal Control Officer shall submit a written report of his/her investigation, with his/her recommendations, to the Selectmen, who may vacate the order.

SECTION 6. Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Selectmen issued pursuant to this article shall be punishable by a fine of one hundred dollars (\$100.00).

SECTION 7. Vaccination: It shall be unlawful for the owner of any dog over the age of six months to keep or maintain such dog unless it shall have been vaccinated by a licensed veterinarian with antirabies vaccine within two years, or within the period of immunity as certified by said veterinarian, preceding the date on which such dog is kept or maintained.

SECTION 8. Violation of this by-law other than is provided in Section 6 shall be punished by a fine of twenty-five dollars (\$25) for a first offense, fifty dollars (\$50) for a second offense, and one hundred dollars (\$100) for a third and subsequent offense.

SECTION 9. In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog which is not licensed on or before May 31st in any year shall be subject to a "late fee" so-called, of twenty-five dollars (\$25), said fee to be paid in addition to the license fee for all dogs licensed on or after May 31st of any year. The owner of any unspayed and unleashed female dog found by the Animal Control Officer roaming at large in season (heat) off the premises of the owner or keeper shall be subject to a fine of twenty-five

dollars (\$25). In accordance with Article 11 of the General By-Laws of the Town of Sharon, a non-criminal disposition penalty will be imposed in the amount of twenty-five dollars (\$25) for any owner of a dog who fails to comply with the licensing of their dog on or before June 30th of any year; said fee is to be paid in addition to the late fee and license fee.

Or to take any other action relative thereto.

ANIMAL CONTROL OFFICER

FINANCE COMMITTEE RECOMMENDATION:

This article corrects certain technical defects in the wording of the Town's Dog Regulations, eliminating a reference to the date January 1, 2007, and changing the title Dog Officer to Animal Control Officer. Additionally, the fee for a dog owner who fails to comply with any order of the Animal Control Officer or Selectmen will be raised from twenty-five dollars (\$25) to one hundred dollars (\$100), and a new one hundred dollar (\$100) fee will be imposed on any dog owner who violates the by-law for a third or subsequent offense.

The Finance Committee voted 5-0-1 to recommend adoption of this article.

ARTICLE 18

To see if the Town will vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under M.G.L. c. 59 § 5, Clause 41A, from \$40,000 to 100% of the amount established annually by the Commissioner of Revenue as the income limit for single seniors who are not heads of households to qualify for the "circuit breaker" state income tax credit for the preceding state tax year, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2008; or to take any other action relative thereto.

BOARD OF SELECTMEN

FINANCE COMMITTEE RECOMMENDATION:

In the Commonwealth's Fiscal Year 2009 Budget, the eligibility

requirement for deferral of property taxes under Clause 41A was changed to permanently mirror the amount of money that qualifies a senior citizen for the "Circuit Breaker" income tax credit for a single, non-head of household resident; namely, \$48,000 for this year; the amount may change on a yearly basis. A yes vote will allow the Town to accept this new level of income and raise the current eligibility level for senior property tax deferrals.

The Finance Committee voted 6-0-0 to recommend adoption of this article.

And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town By-Laws.

Hereof fail not, and make due return of this Warrant with your doings thereon, at the time and place of meeting aforesaid.

Given under our hands this 16th day of October, A.D., 2008

RICHARD A. POWELL, CHAIR

WILLIAM A. HEITIN

**WALTER "JOE" ROACH
BOARD OF SELECTMEN
SHARON, MASSACHUSETTS**

**A True Copy: JOSEPH S. BERNSTEIN, Constable
Sharon, Massachusetts
Dated: October 16, 2008**

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SHARON, MASS 02067

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